

**CHILD REARING AND FAMILY/EMPLOYEE  
MEDICAL LEAVE POLICY**

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## CHILD REARING AND FAMILY/EMPLOYEE

### MEDICAL LEAVE POLICY

#### PURPOSE

This policy sets forth child rearing, family illness and employee medical leave provisions. The intent of this policy is to comply with the Wisconsin and Federal Family and Medical Leave Acts. Should this policy conflict in any way with applicable State/federal statutes or regulations, then the statutes or regulations will apply.

#### GENERAL LEAVE REQUIREMENTS

1. **Eligibility:** Employees who have been employed by Fond du Lac County for one (1) year and who have worked one thousand (1000) hours during the preceding fifty-two (52) weeks are eligible for leaves set forth in this policy.
2. **Child Rearing and Family/Employee Medical Leave Limits:** Employees are eligible for twelve (12) weeks of leave in a calendar year (defined as January thru December) for any one leave or combination of leaves for child rearing, family illness or employee illness. Should the leave qualify as a leave under both County policy and State and federal leave provisions, the leave will run concurrently. (i.e. County sick leave used for birth of a child also qualifies as employee medical leave under State and federal leave laws, and as such, is deducted from an employee's leave entitlement under the State and federal leave laws.)
3. **Serious Health Conditions – Prerequisite for Family Illness and Employee Medical Leave:** Eligibility for family illness and employee medical leave is contingent upon the existence of a “serious health condition”.
4. Under this policy, a “serious health condition” is considered to be a disabling physical or mental illness, injury, impairment or condition involving either:
  - a. Inpatient care in a hospital, nursing home, hospice or residential medical facility, or
  - b. Outpatient care that requires continuing treatment or supervision by a health care provider wherein the provider (after initial contact) directs and inspects continuously and at first-hand, the individual with the serious health condition.
  - c. Period of incapacity due to pregnancy or for prenatal care.
  - d. Chronic condition (i.e. asthma, diabetes, epilepsy) that requires periodic medical treatment, continues over an extended period of time and may cause episodes of incapacity.
  - e. Permanent/long-term condition that requires continuing supervision but not necessarily active treatment by a health care provider (i.e. Alzheimer's, severe stroke, terminal stages of a disease.)
  - f. Multiple treatments (i.e. chemotherapy, radiation, dialyses, physical therapy, restorative surgery after an accident or injury) by health care provider for condition which would likely result in incapacity for three (3) consecutive calendar days in absence of medical intervention.

Medical problems such as a common cold, flu, earaches, upset stomach, minor ulcers, non-migraine headaches and routine dental problems are not typically considered serious health conditions unless complications arise.

## **CHILD REARING LEAVE**

1. **Purpose:** Unpaid child rearing leave may be used within sixteen (16) weeks before, or within twelve (12) months following:
  - a. The birth of the employee's natural child; or
  - b. The placement of a child with the employee for adoption or as a precondition to adoption under Wisconsin Sec. 48.90(2), Stats.; or
  - c. The placement of a child with the employee for 24-hour foster care that is made by agreement with a licensed child welfare agency or County Social Services agency.
2. **Length of Child Rearing Leave:** Child rearing leave is limited to twelve (12) weeks per calendar year. Leave taken for the birth of a child is limited to twelve (12) weeks. Wherein the mother and father of a child are employed by the County, they are entitled to a combined total of twelve (12) weeks.
3. **Substitution:** An employee may choose to substitute up to six (6) weeks accrued paid sick or other accrued leave for the first six (6) of the otherwise unpaid twelve (12) weeks leave period. After the first six (6) weeks, the employee may choose or may be required to use accrued vacation or holiday pay for all or part of the remaining leave period. Substitution of accrued sick leave for foster care placement is not permitted.
4. **Scheduling Child Rearing Leave:** Requests for child rearing leave must be submitted no less than fifteen (15) days prior to the start of the leave and must be scheduled after reasonable consideration of the needs of the County. If the birth, adoption or foster care placement requires that the leave begin sooner, the employee must give notice as soon as possible. The employee, in conjunction with the leave request, must indicate

if and what type of paid accrued leave will be substituted during the leave period.

Intermittent or partial absences are permitted during the first six (6) weeks of the child rearing leave period provided that they do not unduly disrupt the County's operations and:

- a. The employee give the County a written schedule of the proposed intermittent or partial absences at least fifteen (15) days in advance;
- b. The proposed schedule is of sufficient definiteness so as to allow the County to schedule replacement employees, if necessary, to cover the absences.

## **FAMILY ILLNESS AND EMPLOYEE MEDICAL LEAVE**

1. **Family Illness Leave:** Unpaid family illness leave may be used to care for an individual who has a "serious health condition" and is the employee's:

- spouse
- biological, adopted or foster child
- child for which the employee stood "in loco parentis"
- biological parent or parent who stood "in loco parentis" to employee
- spouse's parent

a. Family illness leave is limited to twelve (12) weeks per calendar year except in instances involving the "serious health condition" of the spouses parent. In such case, the leave is limited to a maximum of two (2) weeks.

b. An employee may substitute up to two (2) weeks accrued sick leave or other accrued leave for the first two (2) weeks of the otherwise unpaid leave. Use of accrued vacation, or personal holiday time may be required for the remaining portion of the leave period.

- d. An employee must consider the needs of the County when scheduling family illness leave.
2. **Employee Medical Leave:** Unpaid medical leave may be used by an employee who has a “serious health condition” which makes him/her unable to perform his/her job duties.
- a. Employee medical leave is limited to twelve (12) weeks per calendar year.
- b. An employee may substitute accrued sick leave or other accrued leave for part or all of the otherwise unpaid leave. After the first two (2) weeks, the employee will be required to use accrued sick leave, vacation, personal holiday for the remainder of the leave period.
- c. Employee medical leaves shall be scheduled in accordance with medical necessity.
3. **Scheduling Family Illness and Employee Medical Leave:** If an employee intends to take family illness or employee medical leave for planned medical treatment or supervision, the employee must:
- a. Provide at least fifteen (15) day advance written notice of the intent to take such leave, the reason for such leave and the planned dates of the leave. (This fifteen (15) day requirement may be waived if the need for the leave is the result of an emergency.)
- b. Indicate if and what type of paid accrued leave is to be substituted.
- c. Provide the County with a proposed schedule for the leave with reasonable promptness after learning of the probable necessity of the leave. Such schedule (for
- d. planned medical treatment or supervision) must not unduly disrupt the County’s operations and must be sufficiently definite so as to allow the County to schedule a replacement employee, if necessary.
- e. Provide the required medical certification.
- Family illness/employee medical leave may be taken on an intermittent or partial leave basis if it is medically necessary to do so and provided that it does not unduly disrupt the County’s operations. In such instances, the employee must provide the County with a proposed schedule of the partial absences. Said absences must be in increments of no less than one-half (1/2) of a day.
4. **Medical Certification:** (Family Illness/Employee Medical Leave): Requests for family illness leave or employee medical leave must be accompanied by a properly completed Medical Certification Form. This form must be completed by the employee and the health care provider treating the family member (family illness leave) or employee (employee medical leave). The County may request a second health care provider opinion at the County’s expense. Approval for family illness or employee medical leave will not be granted without a properly completed medical certification form.

#### **INSURANCE, ACCRUAL OF BENEFITS AND RETURNS FROM LEAVE**

1. **Group Health Insurance:** Continuance of group health insurance benefits and County contribution toward the cost of providing coverage is maintained while an employee is on child rearing, family illness or employee medical leave. In such instance, the employee is required to pay his/her normal portion of the premium in accordance with prescribed procedures.
- Provision of this benefit will cease if:
- a. The employee on leave informs the County that he/she will not be returning to work at the end of the leave period; or

b. The employee decides to terminate employment upon conclusion of the leave.

Under (a) and (b) above, the employee will be required to repay the total amount of health insurance premium contribution made by the County on his/her behalf during the period of unpaid leave. This repayment obligation will not apply wherein the employee:

c. Terminates employment after having returned to work for thirty (30) or more calendar days; or

d. Is unable to return to work due to continuation or recurrence of his/her serious health condition (medical certification may be required), or other circumstances beyond the control of the employee.

2. **Accrual of Benefits:** Accrual of benefits continues for any period of the leave during which paid leave is substituted.

3. **Returns from Leave:** The following conditions apply when an employee returns to work from a leave. An employee:

a. Returning from employee medical leave is required to obtain medical certification ("fitness for duty" certificate) from the health care provider that he/she is able to resume work.

b. Returning from leave as provided under this policy can return to his/her prior position if vacant at the time the employee returns to work. In the event the position is not vacant, the employee will be offered an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

c. Requesting to return to work prior to the scheduled end of the leave will be returned to his/her previous position or an equivalent position within a reasonable time after the request to return to work is made.

